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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,847	03/31/2000	YUJI MURAKAMI	6715/59917	1677

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EXAMINER

GANTT, ALAN T

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 04/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/509,847

Applicant(s)

MURAKAMI, YUJI

Examiner

Alan T. Gantt

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 31 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Sampsell.

Regarding claim 1-5, Sampsell discloses an information processing apparatus for enhancing the interactivity of consumer electronics products. The overall system uses messaging service and paging networks to supply information to a pager (i.e. pocket bell receiver) embedded within a peripheral device, where the embedded pager receives messages such as weather warnings, sports scores, news reports, etc., and is then enabled by docking the wireless receiver with the I/O port of the consumer electronics product-to view, scroll, select, print or otherwise interact with the message. An intrinsic feature of pagers is that they have a specific calling number and means for storing the data received, usually as a message. The apparatus includes dedicated messaging application pagers, including an electronic program guide (EPG) obtained over wireless channels. The EPG may be viewed on a TV monitor in overlay on top of whatever program material is being viewed or on top of whatever application is being used on the personal computer. A message is displayed responsive to a controller or processor on the monitor display in the form of a second image overlaying a first image already being displayed (col. 4, lines 52-64 and col. 5, line 51 to col. 6, line 20). Thus, there is display control means for controlling a display based on the data stored in the memory means.

3. Claims 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura.

Regarding claims 6, 8, and 9, Nishimura discloses a paging communication system configured so that a plurality of receivers is called by group in response to a paging signal transmitted from the base station. Thus, the plurality of pagers or receivers can be called by the base station using the assigned numbers for these devices. The subscriber dials a calling number assigned to the receiver by means of a telephone and the base station transmits the data to any of the information processing apparatuses or receivers called by the subscriber (col. 5, lines 24-39). A computer can provide the dialing by way of a modem. The same base station can transmit the data to the paging receiver, etc. as done by the subscriber.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimura, in view of Sampsell.

Regarding claim 7, Nishimura provides calling and transmitting means for getting data to an information processing apparatus such as a paging receiver. However, Nishimura is silent regarding whether the data is electronic Program guide information and whether it is provided for each broadcast program.

Sampsell discloses an information processing apparatus for enhancing the interactivity of consumer electronics products. The overall system uses messaging service and paging networks to supply information to a pager (i.e. pocket bell receiver) embedded within a peripheral device, where the embedded pager receives messages such as weather warnings, sports scores, news reports, etc., and is then enabled by docking the wireless receiver with the I/O port of the consumer electronics product to view, scroll, select, print or otherwise interact with the message. The apparatus includes dedicated messaging application pagers, including an electronic program guide (EPG) obtained over wireless channels. Obviously the sender, such as a cable company, can set it up for each broadcast channel.

Nishimura and Sampsell are combinable because they share a common endeavor, namely, systems that utilize integral pagers. At the time of the applicant's invention, it would have been obvious to modify Nishimura to include electronic program guide data to support the emerging entertainment market that include imbedded pagers.

### ***Conclusion***

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 308-6306.

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Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

*Alan T. Gantt*

Alan T. Gantt

April 6, 2003